

Introduced by Senator Leslie

February 18, 2000

An act to amend Sections 8741, 8742, 8762, 8765 and 8773.2 of the Business and Professions Code, and to amend Section 66466 of the Government Code, relating to land surveyors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1563, as introduced, Leslie. Real property.

Existing law, with respect to licensure under the Professional Land Surveyors' Act, authorizes the Board of Professional Engineers and Land Surveyors to prescribe by regulation reasonable educational or experience requirements but not to exceed 2 years of postsecondary education in land surveying for admission to the first division of the licensure examination.

This bill would require the board to prescribe by regulation reasonable educational or experience requirements to include 2 years of postsecondary education in land surveying or 2 years experience in land surveying for admission to the first division of the examination.

Existing law prescribes certain educational qualifications and experience in land surveying for a applicant for the 2nd division examination, as specified, to include actual broad based progressive experience in land surveying for at least 6 years, as specified.

This bill would increase that experience requirement to 8 years.

Existing law provides for the filing with the county surveyor or civil engineer, after making a field survey, of a record of the survey, to thereafter be filed with the county recorder.

This bill would require the county recorder to provide the preparer of the map with the filing data within 10 days of the filing. The bill would require the county surveyor to provide the preparer of a corner record with applicable filing data within 10 days of a final filing. The bill would also make certain clarifying changes in the act, and conforming changes in provisions of the Subdivision Map Act, as specified. The bill would impose a state-mandated local program because it requires local officials to provide a higher level of service.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8741 of the Business and
2 Professions Code is amended to read:
3 8741. (a) The first division of the examination shall
4 test the applicant's fundamental knowledge of surveying,
5 mathematics, and basic science. The board ~~may~~ *shall*
6 prescribe by regulation reasonable educational or
7 experience requirements ~~but not to exceed~~ *including* two
8 years of postsecondary education in land surveying or two
9 years of experience in land surveying for admission to the
10 first division of the examination. Applicants who have
11 passed the engineer-in-training examination, or who hold
12 professional engineer registration, are exempt from this
13 division of the examination.
14 The second division of the examination shall test the
15 applicant's ability to apply his or her knowledge and
16 experience and to assume responsible charge in
17 professional practice of land surveying.



(b) The applicant for the second division examination shall have successfully passed the first division examination, or shall be exempt therefrom. The applicant shall be thoroughly familiar with (1) the procedure and rules governing the survey of public lands as set forth in “Manual of Surveying Instructions,” published by the Bureau of Land Management, Department of the Interior, Washington, D.C. and (2) the principles of real property relating to boundaries and conveyancing.

(c) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 8742.

(d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

SEC. 2. Section 8742 of the Business and Professions Code is amended to read:

8742. (a) The educational qualifications and experience in land surveying, which an applicant for the second division examination shall possess, shall not be less than one of the following prescribed criteria:

(1) Graduation from a four-year curriculum with an emphasis in land surveying approved by the board or accredited by a national or regional accrediting agency recognized by the United States Office of Education at a postsecondary educational institution and two years of actual broad based progressive experience in land surveying, including one year of responsible field training and one year of responsible office training, satisfactory to the board.

(2) Actual broad based progressive experience in land surveying for at least—~~six~~ *eight* years, including one year of responsible field training and one year of responsible office training, satisfactory to the board.

(3) Registration as a civil engineer with two years of actual broad based progressive experience in land surveying satisfactory to the board.

(b) With respect to an applicant for a license as a land surveyor, the board shall count one year of postsecondary education in land surveying as one year of experience in land surveying up to a maximum of four years, provided the applicant has graduated from the course in land surveying and the curriculum in land surveying is approved by the board or is accredited by a regional or national accrediting agency recognized for the purpose by the United States Office of Education. Each year of study in an approved or an accredited course in land surveying without graduation shall be counted the same as one-half year of experience.

Each applicant claiming equivalent credit for education may be required to produce a complete transcript of all college level courses completed.

Until January 1, 2000, the board may, at its discretion, confer credit as experience in land surveying, not in excess of two years, for successfully passing the first division of the examination prescribed in Section 8741.

SEC. 3. Section 8762 of the Business and Professions Code is amended to read:

8762. After making a field survey in conformity with the practice of land surveying, the surveyor or civil engineer may file with the county surveyor in the county in which the survey was made, a record of the survey.

After making a field survey in conformity with the practice of land surveying, the licensed land surveyor or registered civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

(a) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or *properly* filed in the office of the county recorder or county surveying department, or map or survey record

1 maintained by the Bureau of Land Management of the
2 United States.

3 (b) A material discrepancy with the information
4 contained in any subdivision map, official map, or record
5 of survey previously recorded or filed in the office of the
6 county recorder or the county surveying department, or
7 any map or survey record maintained by the Bureau of
8 Land Management of the United States. For purposes of
9 this subdivision, a “material discrepancy” is limited to a
10 material discrepancy in the position of points or lines, or
11 in dimensions.

12 (c) Evidence that, by reasonable analysis, might result
13 in materially alternate positions of lines or points, shown
14 on any subdivision map, official map, or record of survey
15 previously recorded or filed in the office of the county
16 recorder or the county surveying department, or any
17 map or survey record maintained by the Bureau of Land
18 Management of the United States.

19 (d) The establishment of one or more points or lines
20 not shown on any subdivision map, official map, or record
21 of survey, the positions of which are not ascertainable
22 from an inspection of the subdivision map, official map,
23 or record of survey.

24 (e) The points or lines set during the performance of
25 a field survey of any parcel described in any deed or other
26 instrument of title recorded in the county recorder’s
27 office are not shown on any subdivision map, official map,
28 or record of survey.

29 The record of survey required to be filed pursuant to
30 this section shall be filed within 90 days after the setting
31 of boundary monuments during the performance of a
32 field survey or within 90 days after completion of a field
33 survey, whichever occurs first.

34 If the 90-day time limit contained in this section cannot
35 be complied with for reasons beyond the control of the
36 licensed land surveyor or registered civil engineer, the
37 90-day time period shall be extended until such time as
38 the reasons for delay are eliminated. If the licensed land
39 surveyor or registered civil engineer cannot comply with
40 the 90-day time limit, he or she shall, prior to the

1 expiration of the 90-day time limit, provide the county
2 surveyor with a letter stating that he or she is unable to
3 comply. The letter shall provide an estimate of the date
4 for completion of the record of survey, the reasons for the
5 delay, and a general statement as to the location of the
6 survey, including the assessor's parcel number or
7 numbers.

8 The licensed land surveyor or registered civil engineer
9 shall not initially be required to provide specific details of
10 the survey. However, if other surveys at the same location
11 are performed by others which may affect or be affected
12 by the survey, the licensed land surveyor or registered
13 civil engineer shall then provide information requested
14 by the county surveyor without unreasonable delay.

15 Any record of survey filed with the county surveyor
16 shall, after being examined by him or her, be filed with
17 the county recorder. *The county recorder shall provide*
18 *the preparer of the map with the filing data within 10 days*
19 *of the filing of the map.*

20 SEC. 4. Section 8765 of the Business and Professions
21 Code is amended to read:

22 8765. A record of survey is not required of any survey:

23 (a) When it has been made by a public officer in his or
24 her official capacity and a reproducible copy thereof,
25 showing all data required by Section 8764, except the
26 recorder's statement, has been filed with the county
27 surveyor of the county in which the land is located. Any
28 map so filed shall be indexed and kept available for public
29 inspection.

30 (b) Made by the United States Bureau of Land
31 Management.

32 (c) When a map is in preparation for recording or shall
33 have been recorded under the provisions of the
34 Subdivision Map Act.

35 (d) When the survey is a retracement of lines shown
36 on a *properly filed* subdivision map, official map, or a
37 record of survey, where no material discrepancies with
38 those records are found and sufficient monumentation is
39 found to establish the precise location of property corners
40 thereon, provided that a corner record is filed for any

1 property corners which are set or reset or found to be of
2 a different character than indicated by prior records. For
3 purposes of this subdivision, a “material discrepancy” is
4 limited to a material discrepancy in the position of points
5 or lines, or in dimensions.

6 (e) When the survey is a survey of a mobilehome park
7 interior lot as defined in Section 18210 of the Health and
8 Safety Code, provided that no subdivision map, official
9 map, or record of survey has been previously filed for the
10 interior lot or no conversion to residential ownership has
11 occurred pursuant to Section 66428.1 of the Government
12 Code.

13 SEC. 5. Section 8773.2 of the Business and Professions
14 Code is amended to read:

15 8773.2. (a) A “corner record” submitted to the
16 county surveyor or engineer shall be examined by him or
17 her for compliance with subdivision (d) of Section 8765
18 and Sections 8773, 8773.1, and 8773.4, endorsed with a
19 statement of his or her examination, and filed with the
20 county surveyor or returned to the submitting party
21 within 20 working days after receipt.

22 (b) In the event the submitted “corner record” fails to
23 comply with the examination criteria of subdivision (a),
24 the county surveyor or engineer shall return it to the
25 person who submitted it together with a written
26 statement of the changes necessary to make it conform to
27 the requirements of subdivision (a). The licensed land
28 surveyor or registered civil engineer submitting the
29 corner record may then make the changes in compliance
30 with subdivision (a) and resubmit the corner record for
31 filing. The county surveyor or engineer shall file the
32 corner record within 10 working days after receipt of the
33 resubmission.

34 (c) If the matters appearing on the corner record
35 cannot be agreed upon by the licensed land surveyor or
36 the registered civil engineer and the county surveyor
37 within 10 working days after the licensed land surveyor
38 or registered civil engineer resubmits and requests the
39 corner record be filed without further change, an
40 explanation of the differences shall be noted on the

1 corner record and it shall be submitted to and filed by the
2 county surveyor. When the county surveyor places an
3 explanatory note on a corner record, the county surveyor
4 shall transmit a copy of the filed corner record within 10
5 working days of the filing to the licensed land surveyor or
6 registered civil engineer who submitted the corner
7 record.

8 (d) The corner record filed with the county surveyor
9 of any county shall be securely fastened by him or her into
10 a suitable book provided for that purpose.

11 (e) A charge for examining, indexing, and filing the
12 corner record may be collected by the county surveyor,
13 not to exceed the amount required for the recording of
14 a deed.

15 (f) *The county surveyor shall provide the preparer of*
16 *the corner record with the filing data within 10 days of*
17 *final filing.*

18 SEC. 6. Section 66466 of the Government Code is
19 amended to read:

20 66466. (a) The county recorder shall have not more
21 than 10 days within which to examine a final or parcel
22 map and either accept or reject it for filing.

23 (b) If the county recorder rejects a final or parcel map
24 for filing, the county recorder shall, within 10 days
25 thereafter, mail notice to the subdivider and the city
26 engineer if the map is within a city, or the county
27 surveyor if the map is within the unincorporated area,
28 that the map has been rejected for filing, giving the
29 reasons therefor, and that the map is being returned to
30 the city clerk if the map is within a city, or to the clerk of
31 the board if the map is within the unincorporated area,
32 for action by the legislative body. Upon receipt of the
33 map, the clerk shall place the map on the agenda of the
34 next regular meeting of the legislative body and the
35 legislative body shall, within 15 days thereafter, rescind its
36 approval of the map and return the map to the subdivider
37 unless the subdivider presents evidence that the basis for
38 the rejection by the county recorder has been removed.
39 The subdivider may consent to a continuance of the
40 matter; however, the prior approval of the legislative

body shall be deemed rescinded during any period of continuance. If a map is returned to the county recorder, the county recorder shall have a new 10-day period to examine the map and either accept or reject it for filing.

(c) If the county recorder accepts the map for filing, the acceptance shall be certified on the face thereof. The map shall be securely fastened in a book of subdivision maps, in a book of parcel maps, or in a book of cities and towns which shall be kept for that purpose, or in any other manner as will assure that the maps will be kept together. The map shall become a part of the official records of the county recorder upon its acceptance by the county recorder for filing. *The county recorder shall provide the preparer of the map with the filing data within 10 days of the filing of the map.*

(d) The fee for filing and indexing the map is as prescribed in Section 27372 of the Government Code.

(e) The original map shall be stored for safekeeping in a reproducible condition. The county recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.

(f) Upon the filing of any map, including amended maps and certificates of correction for recordation pursuant to this section or any record of survey pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code), the surveyor or engineer who prepared the document shall transmit a copy of the document, including all recording information, to the county surveyor, who shall maintain an index, by geographic location, of the documents. The county surveyor may charge a fee not to exceed the fee charged for recording the document, for purposes of financing the costs of maintaining the index of the documents.

The requirements of this subdivision shall not apply to any county which requires a document filed pursuant to this section to be transmitted to the county surveyor and requires that official to maintain an index of those documents.

1 SEC. 7. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because a local agency or school district has
4 the authority to levy service charges, fees, or assessments
5 sufficient to pay for the program or level of service
6 mandated by this act, within the meaning of Section 17556
7 of the Government Code.

